

**AUDIT REPORT
OF
HAMILTON COUNTY COURT
JULY 1, 2001 THROUGH JUNE 30, 2002**

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HAMILTON COUNTY COURT

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HAMILTON COUNTY COURT

SUMMARY OF COMMENTS

During our audit of Hamilton County Court, we noted certain matters involving the internal control over financial reporting and other operational matters that are presented here. These comments and recommendations are intended to improve the internal control over financial reporting or result in operational efficiencies in the areas as follows:

1. ***Segregation of Duties:*** One individual was capable of handling all phases of a transaction from beginning to end.
2. ***Non-waiverable Court Costs:*** The County Court was inconsistent in its waiving and/or claiming of costs on dismissed or otherwise uncollectible cases.
3. ***Overdue Balances:*** Case balances which had been waived by Judge's order were shown as unpaid on the Overdue Case Account report.

More detailed information on the above items is provided hereafter. It should be noted that this report is critical in nature since it contains only our comments and recommendations on the areas noted for improvement and does not include our observations on any strong features of the Court.

Draft copies of this report were furnished to the Court to provide them an opportunity to review the report and to respond to the comments and recommendations included in this report. The Court declined to respond.

We appreciate the cooperation and courtesy extended to our auditors during the course of the audit.

HAMILTON COUNTY COURT

COMMENTS AND RECOMMENDATIONS

1. Segregation of Duties

Good internal control includes a plan of organization, procedures, and records designed to safeguard assets and provide reliable financial records. A system of internal control should include proper segregation of duties so no one individual is capable of handling all phases of a transaction from beginning to end.

We noted the office of the County Court had a lack of segregation of duties since one person was capable of handling all aspects of processing transactions from beginning to end. A lack of segregation of duties increases the risk of possible errors or irregularities. However, due to a limited number of personnel, an adequate segregation of duties is not possible without additional cost. Personnel are under the direction of both the Nebraska State Court Administrator and the Presiding Judge. We have noted this comment in previous audits.

We recommend the County Court and the Nebraska State Court Administrator review this situation. As always, the cost of hiring additional personnel versus the benefit of a proper segregation of duties must be weighed.

2. Non-waiverable Court Costs

Neb. Rev. Stat. Section 29-2709 R.S.Supp., 2002 states, when any costs in misdemeanor, traffic, felony preliminary, or juvenile cases in County Court, except for those costs provided for in subsection (3) of section 24-703 (judge's retirement fee), two dollars of the fee provided in section 33-107.01 (legal services fee), and the court automation fee provided in section 33-107.03, are found by a county judge to be uncollectible for any reason, including the dismissal of the case, such costs shall be deemed waived unless the judge, in his or her discretion, enters an order assessing such portion of the costs as by law would be paid over by the Court to the State Treasurer. The Court was inconsistently waiving and/or claiming court costs which, according to Statute, are non-waiverable.

Testing of non-monetary receipts noted:

- Four of fifteen receipts tested noted the Court waived the \$1 Judge's Retirement Fee.
- Two of fifteen receipts tested noted the Court waived, either partially or entirely, the \$2 Legal Services Fee. In one of those cases, the Court claimed \$1 of the Legal Services Fee to Hamilton County and waived the remaining \$1 of the fee.

HAMILTON COUNTY COURT

COMMENTS AND RECOMMENDATIONS

2. **Non-waiverable Court Costs** (Concluded)

- One of fifteen receipts tested noted the Court waived \$1 of the \$2 Law Enforcement Improvement Fund fee and claimed the remainder of the fee from Hamilton County. The Law Enforcement Improvement Fund fee is not included among those costs considered non-waiverable by Statute.

We recommend the County Court implement review procedures to ensure the amount of non-waiverable court costs on dismissed and/or otherwise uncollectible cases are waived and/or claimed in accordance with Statute.

3. **Overdue Balances**

Good internal control and sound business practice require overdue balances of the County Court be reviewed on a regular basis to determine what action should be taken to collect on those accounts. Without a regular review of overdue case balances, there is an increased risk a case listed as outstanding will either not have proper further action taken, or that the amount overdue may have been previously paid and/or resolved and is incorrectly shown as overdue.

Three of twenty overdue balances tested involved criminal cases in which the defendants had been unsatisfactorily released from probation with the accompanying Judge's orders waiving any fines, restitution, or costs which remained due at the time of unsatisfactory release. However, in each of the three cases, the balance of unpaid fines, restitution, or costs remained listed on the Overdue Case Account report as being due from the defendant.

We recommend the County Court review overdue balances on a regular basis to determine what action, if any, needs to be taken to resolve the accounts.

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HAMILTON COUNTY COURT

INDEPENDENT AUDITORS' REPORT

We have audited the accompanying financial statement of Hamilton County Court as of and for the fiscal year ended June 30, 2002, as listed in the Table of Contents. The financial statement is the responsibility of the Court's management. Our responsibility is to express an opinion on the financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statement was prepared on the basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than generally accepted accounting principles.

Also, as discussed in Note 1, the financial statement presents only the Court's Agency Funds activity and does not purport to, and does not, present fairly the assets, liabilities, and results of operations of Hamilton County Court for the year then ended in conformity with the cash receipts and disbursements basis of accounting.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the assets and liabilities arising from cash transactions of the Agency Funds of Hamilton County Court as of June 30, 2002, and the related activity for the fiscal year then ended, on the basis of accounting described in Note 1.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 25, 2003, on our consideration of Hamilton County Court's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

March 25, 2003

A handwritten signature in dark ink, reading "Dawn Haefner CPA". The signature is written in a cursive, flowing style.

Deputy State Auditor

HAMILTON COUNTY COURT
AURORA, NEBRASKA
STATEMENT OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
AGENCY FUNDS

For the Fiscal Year Ended June 30, 2002

	Balance July 1, 2001	Receipts	Disbursements	Balance June 30, 2002
ASSETS				
Cash and Deposits	\$ 55,235	\$ 550,152	\$ 539,240	\$ 66,147
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 6,447	\$ 94,664	\$ 93,318	\$ 7,793
Law Enforcement Fees	292	4,184	4,071	405
Interest	30	287	295	22
State Judges Retirement Fund	276	4,171	4,081	366
Legal Services Fees	306	4,360	4,234	432
Due to County Treasurer:				
Regular Fines	9,437	157,404	153,458	13,383
Overload Fines	-	6,705	5,530	1,175
Regular Fees	5,205	31,918	36,550	573
Due to Municipalities:				
Regular Fines	140	200	305	35
Trust Fund Payable	33,102	246,259	237,398	41,963
Total Liabilities	\$ 55,235	\$ 550,152	\$ 539,240	\$ 66,147

The accompanying notes are an integral part of the financial statement.

HAMILTON COUNTY COURT
NOTES TO FINANCIAL STATEMENT
For the Fiscal Year Ended June 30, 2002

1. Summary of Significant Accounting Policies

A. Reporting Entity

The Hamilton County Court is established by State Statute and is administratively operated through the Court Administrator's Office of the Nebraska Supreme Court, which is part of the State of Nebraska reporting entity. The Statement of Changes in Assets and Liabilities Arising from Cash Transactions of the County Court reflects only the Agency Funds activity of the Court; the receipts, and their subsequent disbursement to the appropriate entities for which they were collected. The financial statement does not reflect the personal services expenses of the Court, which are paid by the Nebraska Supreme Court, or the operating expenses, which are paid by Hamilton County.

B. Basis of Accounting

The accounting records of the County Court Agency Funds are maintained, and the Statement of Changes in Assets and Liabilities Arising from Cash Transactions has been prepared, on the cash receipts and disbursements basis of accounting. Under this basis of accounting, fines, fees, and receipts relating to trust funds are shown as additions to assets and as an increase in the related liability when received. Likewise, disbursements are shown as deductions to assets and a decrease in the related liability when a check is written. This differs from Generally Accepted Accounting Principles (GAAP) which requires the accrual basis of accounting. Under GAAP, Agency Funds would be reported in the Statement of Net Assets. Agency Funds are not reported in the Statement of Changes of Fiduciary Net Assets. Agency Funds are used to report resources held by the reporting government in a purely custodial capacity. Agency Funds typically involve only the receipt, temporary investment, and remittance of fiduciary resources to individuals, private organizations, or other governments.

2. Deposits and Investments

Funds held by the County Court are deposited and invested in accordance with rules issued by the Supreme Court as directed by Neb. Rev. Stat. Section 25-2713 R.R.S. 1995. Funds are generally consolidated in an interest-bearing checking account; however, the Court may order certain trust funds to be invested separately. Any deposits in excess of the amount insured by the Federal Deposit Insurance Corporation are required by Neb. Rev. Stat. Section 77-2326.04 R.S.Supp., 2002 to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.

HAMILTON COUNTY COURT
NOTES TO FINANCIAL STATEMENT
(Continued)

2. Deposits and Investments (Concluded)

The carrying amounts and bank balances of total deposits, consisting of a checking account, were as follows:

	Total Cash and Deposit <u>Carrying Amount</u>	<u>Cash Amount</u>	Deposit <u>Carrying Amount</u>	<u>Bank Balance</u>
June 30, 2002	\$ 66,147	\$ 100	\$ 66,047	\$ 66,841

However, funds were entirely covered by federal depository insurance during the entire year.

3. Subsequent Events

In July 2002, a significant number of County Court case files/citations were destroyed in an early morning arson fire at the Hamilton County Courthouse. This arson fire had been preceded a week earlier by an arson fire at the offices of the County Attorney, in which the County Attorney also lost a significant number of case files/citations. Therefore, when conducting the audit for the fiscal year ended June 30, 2002, it was necessary, in some instances, to verify tested transactions back to case files/citations on file at the offices of the County Attorney, County Sheriff, City of Aurora Police Department and the Nebraska State Patrol, due to Court records which had been destroyed in the arson fire.

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HAMILTON COUNTY COURT

REPORT ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL REPORTING BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

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We have audited the financial statement of Hamilton County Court as of and for the year ended June 30, 2002, and have issued our report thereon dated March 25, 2003. The report was modified to emphasize that the financial statement presents only the Agency Funds of Hamilton County Court prepared on the basis of cash receipts and disbursements. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether Hamilton County Court's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*. We noted a certain immaterial instance of noncompliance that we have reported to the management of Hamilton County Court in the Comments Section of this report as Comment Number 2 (Non-waiverable Court Costs).

Internal Control Over Financial Reporting

In planning and performing our audit, we considered Hamilton County Court's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement

and not to provide assurance on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect Hamilton County Court's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. A reportable condition is described in the Comments Section of the report as Comment Number 1 (Segregation of Duties).

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is a material weakness. We also noted another matter involving internal control over financial reporting that we have reported to the management of Hamilton County Court in the Comments Section of the report as Comment Number 3 (Overdue Balances).

This report is intended solely for the information and use of the Court, the appropriate Federal and regulatory agencies, and citizens of the State of Nebraska, and is not intended to be and should not be used by anyone other than these specified parties.

March 25, 2003

A handwritten signature in dark ink, reading "Dawn Hauffman CPA". The signature is written in a cursive, flowing style.

Deputy State Auditor